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ATTORNEYS FOR PLAINTIFF
and CROSS-DEFENDANT FRED RUBIO

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re:) Case No. 14-52449 MEH
SILICON VALLEY TELECOM)
EXCHANGE, LLC,) CHAPTER 11
Debtor.)

FRED RUBIO,) Adversary Proceeding
Plaintiff,) Case No. 16-05034
v.)
CERULEAN GLOBAL SERVICES,)
LLC, et al.,)
Defendants.)

CERULEAN GLOBAL SERVICE, LLC,)
Counter-)
Plaintiff/Third Party)
Plaintiff,)
v.)
FRED RUBIO, et al.,)
Cross-Defendant)
and Third Party)
Defendants.)

**DECLARATION OF KAREN RUBIO
IN OPPOSITION TO CERULEAN'S
MOTION FOR PARTIAL SUMMARY
JUDGMENT**
Date: February 6, 2017
Time: 11:00 a.m.
Courtroom: 3020
Judge: Hon. M. Elaine Hammond

1 I, KAREN RUBIO, declare as follows:

2 1. I am over the age of eighteen (18) and have personal knowledge of the facts set forth
3 herein and would and could testify thereto if called as a witness.

4 2. Plaintiff and Counter-Defendant Fred Rubio is my husband.

5 3. I am the bookkeeper for Silicon Valley Telecom & Internet Exchange, LLC
6 ("SVTIX"). My responsibilities as the bookkeeper include maintaining the books and records for
7 SVTIX, invoicing SVTIX customers, keeping track of incoming bills and expenses, and recording
8 SVTIX's payment of bills and expenses.

9 4. I have been the bookkeeper for RAIX, LLC ("RAIX") since its formation. My
10 responsibilities as the bookkeeper include maintaining the books and records for RAIX, invoicing
11 RAIX customers, keeping track of incoming bills and expenses, and recording RAIX's payment of
12 bills and expenses.

13 5. I have reviewed the declaration of Robert Taylor in Opposition to Fred Rubio's
14 Motion for Partial Summary Judgment and reviewed, in particular, Exhibits C and D which are
15 emails I drafted. I wrote both emails for the purpose of directing former SVTIX and RAIX
16 customers to Cerulean as a "new company [that] is providing service at 250 Stockton Avenue, San
17 Jose." While the emails state that RAIX and SVTIX sold their business, I did not intend to make a
18 legal statement that RAIX and SVTIX sold all their assets to Cerulean but just to convey that RAIX
19 and SVTIX were no longer providing colocation services at 250 Stockton Avenue without getting
20 into a lengthy explanation of the agreement entered into between Cerulean, RAIX and SVTIX at the
21 hearing of the Trustee's motion to sell SVTIX's leasehold interests and assets to Cerulean.

22 I declare under penalty of perjury that the foregoing is true and correct. This declaration is
23 executed on January 23, 2017, at Los Gatos, California.

24
25 /s/Karen Rubio
26 Karen Rubio
27
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